

## **SUBCHAPTER 4. PRELIMINARY EXCLUSION HEARINGS**

- 19:42-4.1 Preliminary placement on the exclusion list; commencement; notice; service; postponement
- 19:42-4.2 Preliminary exclusion hearing; nature of hearing; burden of proof; service of order

### **19:42-4.1 Preliminary placement on the exclusion list; commencement; notice; service; postponement**

(a) In accordance with the provisions of N.J.A.C. 19:48-1.5A, the Division may file a motion to place a candidate on the exclusion list pending completion of the plenary hearing on the petition for exclusion. Timely notice of a preliminary exclusion hearing shall be served upon the candidate for exclusion by regular mail at his or her last known address. The notice shall include:

1. A statement advising the candidate of his or her right to appear before the Commission at the preliminary exclusion hearing; and
2. The time, place and nature of the preliminary exclusion hearing.

(b) The preliminary exclusion hearing shall be scheduled no earlier than 15 days from the mailing of notice of the hearing.

(c) Unless otherwise approved by the Commission for good cause shown, a preliminary exclusion hearing scheduled in accordance with this subchapter shall not be postponed at the request of any party.

(d) If a candidate is placed on the exclusion list as a result of a motion for preliminary placement, unless otherwise agreed by the Commission, a plenary hearing on the petition for exclusion shall be initiated within 30 days after the receipt of a request for a plenary hearing or the date of the preliminary placement on the list, whichever is later.

As amended, effective: 11/07/88

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Recodified, effective: 09/05/95  
As amended, effective: 09/05/95

**19:42-4.2 Preliminary exclusion hearing; nature of hearing; burden of proof; service of order**

(a) A preliminary exclusion hearing shall be a limited pre-exclusion proceeding. The purpose of the preliminary exclusion hearing is to determine if there is a reasonable possibility that a candidate satisfies the criteria for exclusion established by section 71 of the Act and N.J.A.C. 19:48.

(b) A preliminary exclusion hearing shall be decided on the basis of the reliable documentary or other supporting evidence of the Division and the oral arguments of the parties.

(c) A preliminary order of the Commission designating a candidate as an excluded person shall, within five days of its entry, be served upon the candidate, the Division and all casino licensees.

(d) A Commission order denying an application for preliminary placement of a candidate on the list shall be served upon the candidate and the Division.

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